

REMARKS

This Request for Reconsideration is filed in response to the non-final Office Action of June 4, 2009 in which claims 1-10 were rejected.

The former novelty rejection based on *Satoh et al* (U.S. Patent No. 5,541,813), has now been modified to an obviousness rejection based on *Satoh et al* in view of a newly applied reference *Lustila et al* (U.S. Publication No. 2001/0018332).

The Examiner reads the claimed "base part" onto the operating members 4 of Fig. 1 of *Satoh et al*. As such, the operating members include openable frames 6 respectively forming main portions of the case placed on opposite sides of a hinge portion 7, each frame 6 being formed from a plastic by molding so as to have a box-like shape, and with the hinge portion 7 enabling opening and closing the case. See column 5, lines 26-30. This base part 4 comprising openable frames 6 and hinge portion 7 are also called "two main portions and a hinge portion which connects the main portions so as to be opened and closed" in the abstract of *Satoh et al*. It is further stated in the abstract that the hinge portion is formed of a soft resin having a resiliency, and the main portion is formed of a hard resin and integral with the hinge portion, as pointed out by the Examiner.

The Examiner makes a statement about what *Satoh et al* failed to teach and refers to *Lustila et al* for teaching an upper cover and another cover containing an engine (electronic components) and battery of the phone for connection to a base part and with the mobile phone part connected to the upper cover and the other cover, referring to page 2 at paragraph 0021, lines 1-10. That portion of the secondary reference teaches a mobile terminal that has an outer protective cover in three parts 13-15 that is nothing more than a "standard" type of mobile phone having a front cover part 13, a rear cover part 14 covering most of the rear of the terminal and a cover part 15 covering the remainder of the rear of the terminal, enclosing the battery 16 which provides the terminal's power source and enclosing most of the components of the terminal including all of the electronic components.

If the “base part” 4 of *Satoh et al* comprising openable frames 6 on opposite sides of hinge portion 7 were to be combined with the covers of *Lustila et al* then the entire “base part” 4 including the openable frames 6 and hinge portion 7 would have to be closed up in the closed position and inserted inside the three part 13-15 cover parts of *Lustila et al*, thereby replacing all of the electronic components inside the cover parts and rendering the entire assembly as nothing more than a carrying case for the portable telephone of *Satoh et al*.

In other words, the assembly of openable frames 6 and hinge portion 7 shown by *Satoh et al* is a complete portable telephone apparatus having a case with a wiring member embedded in a molded plastic hinge and doesn't have anything to do with the claimed subject matter of a base part for mobile phone as claimed in claim 1, a mobile phone as claimed in claim 3, a method of manufacturing a base part for a mobile phone as claimed in claim 6 and a mobile phone part as claimed in claim 9. All of these independent claims contain the limitations discussed above about a base part such as the base part 10 shown in Fig. 2 having a hard body part such as the hard body part 11 shown in Fig. 2 and a phone window such as the phone window 4 of Fig. 2 and a soft middle part such as the soft middle part 12 of Fig. 2.

Therefore, the combination of *Satoh et al* and *Lustila et al* would not lead to the subject matter of the independent claims and a *prima facie* case of obviousness has not been made.

For at least the same reasons as given above, the dependent claims 2, 4, 5, 7, 8, and 10 are nonobvious as well.

Besides that, *Satoh et al* is teaching how to make mobile phone with two hard parts and a soft middle part between the hard parts enabling to fold the two hard parts against each other. This folding and the use of the soft middle part is related to the operating of the mobile phone. When the phone is unfolded it is ready to be used (keys at open) and when it is folded it is closed (keys hidden).

In the present invention the soft middle part enables to fold together the hard part and the phone window, which parts at the same time are closing inside of them a various number of technical parts of the mobile phone. This whole system is creating the base part. This base part is then connected with an upper cover and a

lower cover. (See description p. 3, lines 5-10 corresponding to the published application (US 2007/0178948) at page 1, paragraph [0015], lines 1-5).

Again, *Lustila et al* is merely teaching how to create "a standard" type of mobile phone (upper cover, lower cover and engine, battery etc. between these two covers) and there is no hint or suggestion to combine any of the foldable parts of *Satoh et al* with the protective covers 13-15 of *Lustila et al*.

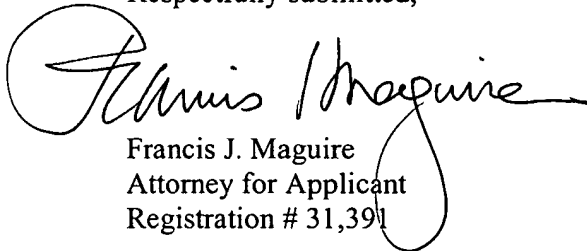
The present invention is directed to how to construct/connect the inner parts of the mobile phone and afterwards connect this base part to upper and lower cover.

The function of the soft middle part is different in the present invention than in *Satoh et al*. In *Satoh et al* it is used every time when the phone is used and it is assembled between different user operable parts (upper cover/lower cover=whole mobile phone) than in the present invention (hard body part/window=base part). In the present invention it is assembled to achieve easier construction and maintenance of the base part (including various components inside).

Therefore, even that the soft middle part is somehow present between the protective covers in *Satoh et al* and the protective covers (upper, lower) are used to seal a base part inside the protective covers of *Lustila et al*, there is no teaching that the soft middle part could be used to construct such a base part.

The objections and rejections of the Office Action of June 4, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-10 to issue is earnestly solicited.

Respectfully submitted,



Francis J. Maguire  
Attorney for Applicant  
Registration # 31,391

FJM/mo  
WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, Connecticut 06468  
(203) 261-1234